

2785.100



\$ DAC #3

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
GLENN McGARRY ET AL. ) : Examiner: Not Yet Assigned  
Application No.: 09/764,782 ) : Group Art Unit: 2164  
Filed: January 17, 2001 )  
For: SYSTEM FOR CAPTURING TRADE ) : October 9, 2001  
INFORMATION )

Commissioner for Patents  
Washington, D.C. 20231

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DECLARATION UNDER 37 C.F.R. § 1.47(a)

Sir:

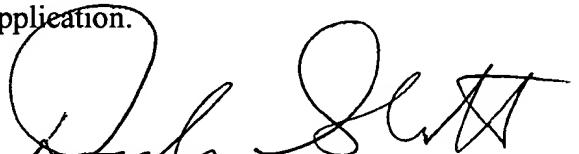
In connection with the above-identified application, Wesley C. Fedorchak orally stated to me that he refuses to join in this application. The circumstances of his refusal are as follows.

The first request for Mr. Fedorchak to join in this application was made on May 18, 2001, in which it was requested that he execute the Combined Declaration And Power Of Attorney and the Assignment, which were forwarded by Federal Express to his last known address: 3708 Northgate Wood Court, Walnut Creek, CA 94598. A reminder was mailed to him at that address on June 27, 2001. In early July of 2001, at least one voice message was left on an answering machine at a telephone number I believe to be his (925-944-1744), asking that he call me or my associate, Lock See Yu-Jahnes, in connection with the application.

One August 1, 2001, Mr. Fedorchak called me regarding the application. He told me that he believed he was an inventor, and that at Lehman Brothers, Glenn McGarry, who is the other inventor, worked for him. He then told me that he would not sign the Combined Declaration And Power Of Attorney or the Assignment, because he saw "no upside" for doing so,

but saw "only downside". Mr. Fedorchak also told me that he now worked for "E-bond Trade Co.", and that before talking to me he had spoken to E-bond's attorneys about this matter, who advised him not to sign anything. At the end of the call, he provided me with his work telephone number (925-279-2020) and his e-mail address (wes@ebondtrade.com), so that I may contact him in the future regarding this matter.

On August 2, 2001, Mr. Fedorchak was provided with another chance to join in this application, by a copy of the application (specification, claims, and drawings) as well as the Combined Declaration And Power Of Attorney and the Assignment sent to him via Federal Express. To date, I have not heard from him again. Therefore, I can only conclude that Mr. Fedorchak continues to refuse to join in this application.



Douglas Sharrott, Esq.

Registration No. 39,832

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**S COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**  
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below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled SYSTEM FOR CAPTURING TRADE INFORMATION  
 the specification of which  is attached hereto  was filed on January 17, 2001  
 Application No. 09/764,782  
 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	(Yes/No) <u>Priority Claimed</u>
None			

I hereby appoint the practitioners associated with the firm and Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to the address associated with that Customer Number:

**FITZPATRICK, CELLA, HARPER & SCINTO**  
Customer Number: 05514

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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**FOR PATENT APPLICATION**

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First Inventor's signature Glenn McGarry

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Second Inventor's signature \_\_\_\_\_

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